

REMARKS

Applicants respectfully request that the above-identified application be reconsidered.

Claims 68-81 are pending in this application. The Office Action mailed November 14, 2007 (hereinafter "Office Action"), rejected Claims 68-81 under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of U.S. Patent No. 6,570,870, issued to Berstis (hereinafter "Berstis").

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all the claims in this application are allowable, a brief description of the disclosed subject matter and brief descriptions of the teachings of the cited and applied references are provided. The following descriptions of the disclosed subject matter and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these descriptions are provided solely to assist the United States Patent and Trademark Office in recognizing the differences between the pending claims and the cited references, and should not be construed as limiting on the disclosed subject matter.

Disclosed Subject Matter

A computer implemented method for ordering products, including goods, services and content, from computers connected to the Internet, wherein the consumer is automatically billed for the ordered good, service or content by its telephone service provider, is disclosed. In one actual embodiment of the invention, the billing system comprises a plug-in component and a billing server component. When a consumer orders a product over the Internet, the plug-in component establishes an Internet connection to a billing server that processes orders for products. In response, the billing server component transfers a transaction I.D. which identifies the order to the plug-in component. The billing server also provides the plug-in component with a premium telephone number. The plug-in component then disconnects from the Internet and uses the premium telephone number to establish a point-to-point (PPP) connection with the

billing server. The premium telephone number is also used to establish a telephone communication entity to which the order for the product is to be billed. Once the PPP connection is established, the plug in component transfers the transaction I.D. back to the billing server. The billing server then provides access information that is used to claim the product.

Summary of U.S. Patcnt No. 6,570,870 - Berstis

Berstis purportedly describes a calling service within a conventional Internet operating environment wherein client machines connect to the Internet via an Internet service provider (ISP). The ISP provides Internet access to the users for a time-based or usage-based service fee. A client machine user is provided an option to make a telephone call to a Web site operator during a browsing session. The charges for the telephone call are invoiced by the ISP (or some third party on the ISP's behalf). Thus, when a user elects to make a "one-click" telephone call to the Web site, the charge for the call shows up on the user's ISP billing statement. While describing a calling service within Internet environment, among other features of the disclosed subject matter, Berstis fails to teach, disclose, or suggest disconnecting from the Internet before establishing a telephone communication link with the billing server in order to process a customer's order.

Rejection of Claims 68-81 Under 35 U.S.C. § 103(a)

As indicated above, Claims 68-81 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Berstis.

Independent Claim 68, as amended, reads as follows:

A computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork, wherein the plug-in component places an order for the product by:

- (a) establishing an internetwork communication link with a billing server that processes orders for products;
- (b) obtaining from the billing server a transaction identification, which identifies the order for the product, and a premium telephone number for establishing a premium telephone number communication link with the billing server;

- (c) disconnecting the internetwork communication link with the billing server;
- (d) after disconnecting the internetwork communication link with the billing server, using the premium telephone number to:
 - (1) establish the premium telephone number communication link with the billing server; and
 - (2) identify a telephone communication billing entity to which the order for the product is to be billed;
- (e) transferring the order for the product to the billing server for processing; and
- (f) obtaining access information from the billing server via the premium telephone number communication link, which is used to claim the ordered product. (Emphasis added.)

Applicants respectfully submit that Claim 68, as amended, is clearly patentable over Berstis for at least the reasons set forth below.

Berstis discloses a "method of enabling a user that obtains Internet service from a service provider to initiate a telephone call to a Web site during an on-line session without terminating the user's Internet connection." (Col. 2, lines 38-41.) Indeed, independent Claim 1 of Berstis recites the following: "without disconnecting the client machine from the given server, initiating the IP telephony call." (Col. 8, lines 57-58.) Similarly, independent Claim 10 of Berstis recites: "if the call is not restricted, initiating an IP telephony call from the user to the live operator without disconnecting the client machine from the given Web site." (Col. 9, lines 26-29.)

In contrast, the present application provides for automated billing to the consumer without the need for transferring any sensitive credit information via the Internet. When a consumer orders a product over the Internet, the plug-in component establishes an Internet connection to a billing server located elsewhere on the Internet. In response, the billing server transfers a transaction I.D. identifying the order to the plug-in component and a premium telephone number. The plug-in component then disconnects from the Internet and uses the premium telephone number to establish a point-to-point connection with the billing server, as well as to identify a telephone communication billing entity.

The above process is clearly recited in Claim 1, as amended. Prior to establishing a premium telephone number communication link with a billing server, a plug-in component

establishes an internetwork communication link with the billing server, and obtains a transaction identification and a premium telephone number for establishing the communication link with the billing server. The internetwork communication link with the billing server is then disconnected. After disconnecting the internetwork communication link with the billing server, the premium telephone number communication link with the billing server is established. In addition to establishing a telephone communication link with the billing server, the premium telephone number is used to identify a telephone communication billing entity.

Because Bertsis' process necessarily involves simultaneously maintaining both an Internet link and a telephone link, Bertsis fails to teach, disclose, or suggest the above recitations of Claim 1.

Applicants further submit that Berstis fails to disclose the use of a premium telephone number communication link with a **billing server**, as recited in Claim 1. Indeed, Berstis repeatedly describes that the telephone call is initiated in order to access a **live operator** associated with a Web site the user is accessing. (See, e.g., Col. 7, lines 1-2; Col. 7, lines 7-8; Col. 5, lines 62-66.) Nowhere does Berstis teach, disclose, or even remotely suggest that the telephone communication link is established directly with a billing server for the purposes of processing the order, as recited in Claim 1.

Because Berstis fails to teach, disclose, or suggest all of the recitations of Claim 1, as amended, applicants respectfully submit that Claim 1 is allowable over Berstis. Claims 70-81 depend directly and indirectly from Claim 68 and are submitted to be allowable for at least the same reasons as Claim 68. Since Claim 69 has been canceled, thereby rendering the rejection of Claim 69 moot, Claim 69 will not be discussed.

Applicants further submit that many of the dependent claims include recitations that are clearly not taught, disclosed, or even remotely suggested by Bertsis. For example, Claim 70, which depends from Claim 68, recites that the plug-in component obtains the access information by transferring the transaction identification to the billing server to identify the order placed, and

obtaining an access key from the billing server. The access key is assigned to the order identified by the transaction identification and the access key is used to claim the ordered product. This subject matter is not taught, disclosed, or suggested by Bertsis.

Similarly, Claims 76, 77, and 78, reciting obtaining the ordered product from a merchant server, calculating a charge for the ordered product by multiplying a predetermined rate associated with the premium telephone number communication link and the ordered product by the duration of the premium telephone number communication link with the billing server, and the merchant component that supplies the access information, are not taught, disclosed, or suggested by Bertsis.

As a result, applicants respectfully submit that many of the dependent claims are clearly allowable for reasons in addition to the reasons why independent Claim 68 is allowable.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the remaining claims in this application are allowable. Consequently, early and favorable action passing this application to issue is respectfully requested. If the Examiner has any remaining questions, the Examiner is encouraged to contact applicants' attorney at the number set forth below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

GSK/VXR:imm

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue, Suite 2800
Seattle, Washington 98101
206.682.8100